IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6051 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHRIRAM EDUCATION TRUST - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for respondent(s) : 1 - 2.
MR VIJAY H PATEL for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 13/06/2006

ORAL JUDGMENT

1.In the present petition, the petitioner Trust has challenged the decision of the respondent in not granting promotion to start standard 8th class in the school run by the petitioner-Trust. It appears that by

order dated 29.6.93, the Secondary Education Board turned down the request of the petitioner for the above purpose. This order, however, has not been produced on record. The petitioner has produced the appellate order passed by the State Government dated 3rd July 1995 by which the appeal of the petitioner was rejected.

2. The petition was filed in the year 1995. 11 long years have passed since then. It would not be appropriate or possible to examine the impugned orders on the basis of the situation prevailing at the relevant time. Many things would have happened which would require proper consideration before the request of the petitioner for starting standard 8th class can be examined. It is not clear whether the petitioner is still desirous of starting such a class. Even if the petitioner has retained its preference for starting standard 8th class and onwards, subsequent developments would have to be taken into consideration. It would, therefore, not be necessary to disturb the decision of the authorities. However, if the petitioner applies afresh seeking such a permission by producing necessary material and fulfilling required conditions, such a request will be considered without being influenced by the rejection of the present petition and on the basis of the available

material on record and the rules and regulations of the Government.

3. Subject to the above observations, the petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)